



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Joseph A. Rothnagel, et al.

Examiner: T. McKelvey

Serial No.: 09/880,253

Art Unit: 1636

Filed: June 13, 2001

Docket: 13711

For: EXPRESSION MODULATING
SEQUENCES

Dated: May 4, 2004

Confirmation No. 7342

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT UNDER 37 C.F.R. §1.121


Sir:

In response to the Office Action December 4, 2003, Applicants respectfully submit the following amendments for entry in the above-identified case.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 4, 2004.

Dated: May 4, 2004



Frank S. DiGiglio

**COMBINED AMENDMENT & PETITION FOR EXTENSION OF
TIME UNDER 37 CFR 1.136(a) (Small Entity)**

Docket No.
13711

In Re Application Of Joseph A. Rothnagel, et al.

Serial No
09/880,253

Filing Date
June 13, 2001

Examiner
T. McKelvey

Group Art Unit
1636

Invention: **EXPRESSION MODULATING SEQUENCES**

TO THE COMMISSIONER FOR PATENTS:

This is a combined amendment and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of December 4, 2003 in the above-identified application.
Date

The requested extension is as follows (check time period desired):

☐ One month ☒ Two months ☐ Three months ☐ Four months ☐ Five months

from: March 4, 2004 until: May 4, 2004
Date *Date*

A verified statement of small entity status as a small entity under 37 CFR 1.27:

- ☐ is enclosed.
☒ has already been filed in this application.

The fee for the amendment and extension of time has been calculated as shown below:

CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	87 -	137 =	0	x \$9.00	\$0.00
INDEP. CLAIMS	9 -	9 =	0	x \$43.00	\$0.00
FEE FOR AMENDMENT					\$0.00
FEE FOR EXTENSION OF TIME					\$210.00
TOTAL FEE FOR AMENDMENT AND EXTENSION OF TIME					\$210.00

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**COMBINED AMENDMENT & PETITION FOR EXTENSION OF
TIME UNDER 37 CFR 1.136(a) (Small Entity)**

Docket No.
13711

The fee for the amendment and extension of time is to be paid as follows:


- ☒ A check in the amount of **\$210.00** for the amendment and extension of time is enclosed.
- ☐ Please charge Deposit Account No. _____ in the amount of **\$0.00**
- ☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. **19-1013/SSMP**
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **19-1013/SSMP**


Signature

Dated: May 4, 2004

Frank S. DiGiglio
Registration No. 31,346
Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
(516) 742-4343

I certify that this document and fee is being deposited
on **May 4, 2004** with the U.S. Postal Service
as first class mail under 37 C.F.R. 1.8 and is addressed to
the Commissioner for Patents, P.O. Box 1450, Alexandria,
VA 22313-1450.


Signature of Person Mailing Correspondence

Frank S. DiGiglio

Typed or Printed Name of Person Mailing Correspondence

cc: FSD/XZ:ab